THE HON'BLE MS. JUSTICE G. ROHINI

W.P.No. 13700 of 2002

This writ petition is filed seeking a declaration that the alleged action of the 3rd respondent, Sub-Inspector of Police, Patamata, Vijayawada in harassing the petitioner without registering any case and demanding to pay a sum of Rs.75,000/- to the father of the 4th respondent in connection with two promotes, as arbitrary and illegal.

In pursuance of *Rule Nisi* ordered on 05-08-2002 the Sub-Inspector of Police, Patamata, Vijayawada filed a counter affidavit dated 12-08-2002, wherein it is stated as under:

> *"It is submitted that on 21-7-2002, the petitioner herein gave a complaint stating that the 4th respondent herein has forcibly obtained the promotes from him and requested to take necessary action. Basing on the said complaint, an entry was made in the Station Diary and got enquired into. The allegations of the petitioner are found to be false. Instead, it is learnt that the petitioner himself has utilized the amounts of the business firm without intimation to his employer. As the matter stood thus, the 4th respondent herein has submitted a complaint on 1-8-2002 stating that one Yedlapalli Rathaiah (i.e., the petitioner herein) who is working under him as Cashier and doing business on his behalf, has misappropriated the amounts of the business firm to the tune of Rs.79,000/- and absconded himself. After noticing the said misappropriation he searched for him and asked to return the amounts misappropriated by him, for which the said Rathaiah has threatened the 4th respondent with dire consequences. He requested to take necessa4y action. Basing on this complaint a case in Cr.No.521/2002 under section 408 and 420, IPC was registered against the petitioner herein and the same is under investigation. So far the investigation revealed that the petitioner herein is working with the 4th respondent and he used to transact the business on behalf of the 4th respondent. He is dealing with the entire business on mutual on commission basis. He himself has[utilized some amounts of the firm un-authorisedly and absconded himself. When the 4th respondent asked him about the said misappropriation, he threatened him with dire consequences, to foist cases against him. Further investigation is pending in the said crime and the petitioner herein is yet to be apprehended."*

Though the said counter affidavit was received by the petitioner

on 3-9-2002, he has neither chosen to file a reply contradicting the version of the respondents nor placed any material before this Court to substantiate the allegations made in the writ petition. In the circumstances and in the light of un-rebutted averments made in the counter affidavit the relief sought for by the petitioner cannot be granted.

The writ petition is accordingly dismissed. No costs.

13th September, 2005

BJ/